

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 16 April 2003

Division: Growth Management

Bulk Item: Yes No X

Department Marine Resources

AGENDA ITEM WORDING:

A public hearing to adopt an Ordinance to revise Chapter 5.5, Boats, Docks and Waterways to reinstate a previously codified Slow Speed, Minimum Wake Zone in Adams Waterway, Key Largo that was inadvertently eliminated during recent Code revisions

ITEM BACKGROUND:

During revisions to Chapter 5.5, Boat, Docks and Waterways an existing regulatory zone for Adams Waterway was inadvertently removed from the Chapter. The attached Ordinance reinstates it a regulatory zone approved by the County and authorized by the State and U.S. Coast Guard. The lapse of authority creates a significant concern and confuses enforcement issues in the area. Only one public hearing required.

PREVIOUS RELEVANT BOCC ACTION:

1995 – Approval of the Marvin D. Adams Regulatory Zone

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: NA

BUDGETED: Yes No

COST TO COUNTY: NA

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X AMOUNT Per Month Year

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL: Timothy McGarry FOR
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM NO.: 605

ORDINANCE NO. 2003

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COMMISSIONERS MAKING A REVISION TO CHAPTER 5.5 MONROE COUNTY CODE (BOATS, DOCKS, AND WATERWAYS) TO REINSTATE THE ADAMS WATERWAY SLOW SPEED MINIMUM WAKE REGULATORY ZONE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCE CLAUSES, PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in order to protect the public health and safety, the Board of County Commissioners created a boating restricted area at Adams Waterway, adopted as part of Chapter 5.5, Boats, Docks, and Waterways; and

WHEREAS, the Adams Waterway Regulatory Zone was inadvertently removed from the Code of Ordinances in a recent revision to the Chapter.

WHEREAS, the Adams Waterway Regulatory Zone is still in existence, but now unenforceable as a result of the inadvertent action; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT the following revision is made to Chapter 5.5, Monroe County Code:

Section 1. Add Sec. 5.5-108 (b) (6) to read:

Adams Waterway: To include the entire area known as Adams Waterway, Key Largo, leading from Blackwater Sound on Florida Bay to Largo Sound on the ocean side of the Island of Key Largo

Section 2. Severability

If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. Repeal of inconsistent ordinance clauses.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 4. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. Effective date.

This Ordinance shall be filed with the Office of the Secretary of State of the State of Florida, and will take effect upon receipt by that agency.